

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

IN RE: §  
§  
ISMAIL ESSA BHAI § CASE NO. 23-30690-7  
§  
Debtor. §

---

BENEFIT STREET PARTNERS REALTY § ADVERSARY PROCEEDING  
OPERATING PARTNERSHIP, L.P. and §  
BENEFIT STREET OF FINANCE, LLC § NO. 23-03042-sgj  
§  
Plaintiffs, §  
§  
v. §  
§  
ISMAIL ESSA BHAI §  
§  
Defendant. §

---

**MOTION OF WELDON L. MOORE, III  
TO WITHDRAW AS COUNSEL TO DEFENDANT**

---

**NO HEARING WILL BE CONDUCTED HEREIN UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION, EARLE CABELL FEDERAL BUILDING, 1100 COMMERCE ST., ROOM 1254, DALLAS, TX 75242 BEFORE CLOSE OF BUSINESS ON JANUARY 1, 2024, WHICH IS TWENTY-FOUR (24) DAYS FROM THE DATE OF SERVICE HEREOF.**

**ANY RESPONSE MUST BE IN WRITING AND FILED WITH THE CLERK, AND A COPY MUST BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED A HEARING WILL BE HELD WITH NOTICE ONLY TO THE OBJECTING PARTY.**

**IF NO HEARING ON SUCH NOTICE OR MOTION IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.**

COMES NOW, Weldon L. Moore, III, and the law firm of Sussman & Moore, L.L.P. (“Withdrawing Counsel”) and files this *Motion to Withdraw as Counsel to Defendant* (the “Motion”) and would show the Court as follows:

1. Defendant Ismail Bhai is currently represented herein by Weldon L. Moore, III of the law firm of Sussman & Moore, LLP.

2. Debtor has advised Withdrawing Counsel in writing that withdrawing counsel has been terminated as Debtor’s counsel. Notwithstanding the foregoing, Debtor has failed and refused to sign withdrawing counsel’s Motion upon request.

3. Withdrawing Counsel seeks to withdraw as counsel in this adversary proceeding upon the following grounds:

- a. Withdrawing Counsel has been discharged;
- b. Debtor has failed substantially to fulfil an obligation or obligations to Withdrawing Counsel regarding Withdrawing Counsel’s services, including an obligation to pay Withdrawing Counsel as agreed, and has been given reasonable warning that Withdrawing Counsel will withdraw unless the obligation is fulfilled; and
- c. The representation will result in an unreasonable financial burden on Withdrawing Counsel and has been rendered unreasonably difficult by Debtor.

4. Following undersigned Withdrawing Counsel’s withdrawal, Defendant will be proceeding pro se unless or until he retains new counsel. While proceeding pro se his address for service of papers and notices are listed below:

Ismail Essa Bhai  
2216 Glacier Court  
Carrollton, Texas 75006  
Phone: (972) 446-9382  
Email: [ismailbhai@aol.com](mailto:ismailbhai@aol.com)

WHEREFORE, PREMISES CONSIDERED, Withdrawing Counsel requests that Withdrawing Counsel be allowed to withdraw as counsel for Defendant in this adversary proceeding and for general relief.

Respectfully submitted,

SUSSMAN & MOORE, L.L.P.

By: /s/ Weldon L. Moore, III  
Weldon L. Moore, III  
Texas Bar No. 14380500  
[wmoore@csmllaw.net](mailto:wmoore@csmllaw.net)  
2911 Turtle Creek Blvd., Ste. 1100  
Dallas, Texas 75219  
Telephone: (214) 378-8270  
Facsimile: (214) 378-8290  
**WITHDRAWING ATTORNEYS FOR DEFENDANT**

### **CERTIFICATE OF CONFERENCE**

I, the undersigned, hereby certify that a conference was held with Adam Herring counsel for Plaintiffs on the merits of the Motion for Withdrawal of Counsel and at the time that this Motion was filed, Mr. Herring was unable to state whether Plaintiff would oppose or consent to the granting of this Motion.

I, the undersigned, had a conference with Debtor where I was advised that I was terminated, so I assume this Motion to Withdraw is not opposed by Debtor, but I have been unable to get Debtor to execute my Motion to Withdraw after due request, indicating approval of my withdrawal pursuant to L.B.R. 2091-1.

/s/ Weldon L. Moore, III  
Weldon L. Moore, III

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing *Motion to Withdraw as Counsel for Defendant* was served via email on Debtor at [ismailbhai@aol.com](mailto:ismailbhai@aol.com) and U.S. Mail at 2216 Glacier Court, Carrollton, Texas 75006 and on counsel to Plaintiffs via ECF on this the 6<sup>th</sup> day of December 2023.

/s/ Weldon L. Moore, III  
Weldon L. Moore, III